

REMARKS

Claims 1-17 were presented for examination and were rejected. Applicants are hereby amending claims 1 and 13. Support for all amendments is found in the application as originally filed. Reconsideration of this application as amended, and allowance of all claims remaining herein, claims 1-17 as amended, are hereby respectfully requested.

Applicants are hereby amending Figures 2, 4B, and 8 of the drawings. Red-marked Figures 2, 4B, and 8 are presented herewith as an appendix to this Amendment B. On Figure 2, the item number for subscribing customer 106 is being corrected from "1062" to --106--, and the bank interface is being labeled with its item number --222-- as given in the specification.

Figures 4B and 8 are being amended to conform with the specification.

The Examiner is requested to approve these amendments to the drawings.

The Examiner objected to the specification on grounds that on page 5, serial numbers for two previous patent applications were missing. Applicants are hereby amending their specification to add the missing serial numbers and to improve the wording. Therefore, the Examiner is requested to withdraw her objection to the specification.

The Examiner objected to claim 4 for failing to further limit the subject matter of a previous claim. The Examiner appears to be equating the "issuing participant" of claim 4 with the "trusted entity" of claim 2. However, as used in the present specification, the concept of "issuing participant" is different than the concept of "trusted entity." "Issuing participant" is defined at page 3 lines 29-32 of Applicants' specification.

For the above reasons, the Examiner is requested to withdraw her objection to claim 4, and to allow this claim as amended.

The Examiner rejected claims 1-17 under 35 U.S.C. §102(b) as being anticipated by Brands.

Applicants are hereby amending claim 1 (the only independent claim in the rejected set) and claim 13 to more particularly recite novel aspects of their invention.

As amended, independent claim 1 is patentably distinct over Brands for at least the following reasons:

1. Claim 1 recites the step of "creating a contract establishing legal ownership over the physical manifestation of the private key as contained within the hardware token." Brands does not suggest a contract, or the concept of legal ownership.

2. Claim 1 recites that the instance of the private key that is stored within the hardware token is the "only" instance. While Brands column 5 lines 14-16 (cited by the Examiner) states that Brands' TC (analogous to Applicants' hardware token) can never leak the secret key (analogous to Applicants' private key) corresponding to its public key, there is nothing in Brands to suggest that the instance of the secret key on the TC is the only instance of said secret key.

3. Claim 1 recites the step of "binding the private key to a subscriber with a digital certificate for the subscriber." The fact that the private key is the private key of the subscriber is later emphasized in claim 1 by the recitation of the step of "the subscriber using the private key to create a digital signature." Brands fails to suggest a recitation of "a digital certificate for the subscriber." The Examiner cites two passages in Brands for this proposition, column 8 lines 56-64 and column 10 lines 6-17. However, the first passage does not mention digital certificates at all. The second passage mentions one digital signature and one digital certificate. However, the digital signature is a digital signature on m; column 10 line 7. m is a message; column 7 line 33. The digital certificate is a digital certificate on h; column 10 line 11. h is just one of the two numbers that constitutes the public key of the user party; column 7 lines 24-27. This does not suggest the recitation of "binding the private key to a subscriber with a digital certificate for the subscriber."

Claims 2-17 depend upon claim 1, and thus their patentability flows from the patentability of claim 1.

For the above reasons, the Examiner is requested to withdraw her rejection of claims 1-17; and to allow these claims as amended.

Applicants believe that this application is now in condition for allowance of all claims remaining herein, claims 1-17 as amended, and therefore an early Notice of Allowance is respectfully requested. If the Examiner disagrees or believes that for any other reason direct contact with Applicants' attorney would help advance the prosecution of this case to finality, she is invited to telephone the undersigned at the number given below.

Respectfully submitted,

date of signature:

April 28, 2006



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enclosures

cc: IP/T docket CH (w/encl.)

L. Miller (via e-mail w/encl.)(Smart Card Requirements)

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